

AMENDED IN ASSEMBLY APRIL 13, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 241

Introduced by Assembly Member Nava

February 10, 2009

An act to add Section 597.8 to the Penal Code, relating to animals.

LEGISLATIVE COUNSEL'S DIGEST

AB 241, as amended, Nava. Dogs and cats: ~~breeders. breeding for sale.~~

Existing law ~~specifies that certain conduct~~ *proscribes specified acts* against animals ~~is criminal and imposes criminal penalties for a violation.~~

This bill would make it a misdemeanor for ~~an individual or business that buys or sells dogs or cats~~ *any person* to have more than a combined total of 50 *unsterilized* dogs and cats ~~with intact sexual organs for breeding or raising them for sale as pets~~, as specified. The bill would authorize certain officers ~~to investigate a violation of that provision, as provided, and~~ to lawfully take possession of an animal kept in violation of that provision, as specified.

Because this bill would create a new crime, it would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. This act shall be known and may be cited as the
2 Responsible Breeder Act of 2009.

3 SEC. 2. Section 597.8 is added to the Penal Code, to read:

4 597.8. (a) ~~No individual or business that buys or sells dogs or~~
5 ~~eats to the public or at wholesale~~ *person* shall own, possess, control,
6 or otherwise have charge or custody of more than a combined total
7 of 50 *unsterilized* dogs and cats ~~with intact sexual organs. An~~
8 ~~individual or business at any time used for the purpose of breeding~~
9 ~~or raising dogs or cats for sale as pets, or for the purpose of~~
10 ~~producing offspring from dogs or cats for sale as pets. Any person~~
11 that must reduce the number of ~~intact unsterilized~~ dogs or cats in
12 order to comply with this section shall spay or neuter the excess
13 animals or sell, transfer, or relinquish the excess animals *within*
14 30 days following notification by authorities specified in
15 subdivision (b). If necessary, any euthanasia procedures shall be
16 performed by a California licensed veterinarian.

17 ~~(b) A peace officer, humane society officer, or animal control~~
18 ~~officer may, upon receiving a complaint or upon his or her own~~
19 ~~motion, investigate a violation of subdivision (a). The investigation~~
20 ~~may include (1) the inspection of the books and records of an~~
21 ~~individual or business that buys or sells dogs or cats to the public~~
22 ~~or at wholesale and (2) the inspection of any place where dogs or~~
23 ~~eats are bred or maintained. In conducting the inspection, the~~
24 ~~officer may, during daytime operating hours, enter any premises~~
25 ~~where animals may be bred or maintained. If the place or premises~~
26 ~~include a home or residence, the officer shall obtain the consent~~
27 ~~of the owner, tenant, or resident before entering the home or~~
28 ~~residence. An individual or business that is the subject of an~~
29 ~~investigation under this section shall, upon request of the officer,~~
30 ~~provide assistance to the officer in making an inspection authorized~~
31 ~~by this section.~~

32 ~~(c)~~

33 ~~(b)~~ A peace officer, humane society officer, or animal control
34 officer may lawfully take possession of an animal kept in violation
35 of this section when necessary to protect the health or safety of
36 the animal or the health or safety of others. An officer that seizes
37 an animal under this subdivision shall comply with *paragraphs*
38 (1) to (4), inclusive, of subdivision (f) of Section 597.1.

1 (d) A person who violates this section is guilty of a misdemeanor.

2 (e) This section does not apply to any of the following:

3 (1) A publicly operated animal control facility or *duly*
4 *incorporated private* animal shelter.

5 (2) A veterinary facility.

6 ~~(3) A retail pet store.~~

7 ~~(4)~~

8 (3) A research ~~institution~~ facility, as defined in Section 2132(e)
9 of Title 7 of the United States Code.

10 SEC. 3. No reimbursement is required by this act pursuant to
11 Section 6 of Article XIII B of the California Constitution because
12 the only costs that may be incurred by a local agency or school
13 district will be incurred because this act creates a new crime or
14 infraction, eliminates a crime or infraction, or changes the penalty
15 for a crime or infraction, within the meaning of Section 17556 of
16 the Government Code, or changes the definition of a crime within
17 the meaning of Section 6 of Article XIII B of the California
18 Constitution.